

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ADIDAS AMERICA, INC., an Oregon
corporation; and ADIDAS AG, a foreign
entity,

Plaintiffs,

v.

THOM BROWNE, INC., a Delaware
corporation,

Defendant.

Civil Action No. 1:21-cv-05615-JSR-RWL

CORRECTED NOTICE OF CROSS-APPEAL

Pursuant to FRAP 4(a)(3), Defendant Thom Browne, Inc. (“Thom Browne”) hereby gives notice of cross-appeal to the United States Court of Appeals for the Second Circuit from the Order (ECF 85) dismissing Defendant’s counterclaim for invalidity based on aesthetic functionality.

Date: February 22, 2023

/s/ Harley I. Lewin

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CERTIFICATE OF SERVICE

I certify that this document is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF). Any counsel for other parties who are not registered participants are being served by first class mail on the date of electronic filing.

/s/ Harley I. Lewin